

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NIEVES CALDERON, :
Plaintiff :
v. : Case No. 3:07-cv-100-NBF-KAP
UNITED STATES DISTRICT COURT, :
WESTERN DISTRICT OF :
PENNSYLVANIA, :
Defendant :
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on May 31, 2007, docket no. 3, recommending that the pleading filed by plaintiff, which could be construed as a civil complaint or as a petition for a writ of habeas corpus, be summarily dismissed as frivolous or meritless. See 28 U.S.C. § 1915(e)(2)(B) (civil complaints), 28 U.S.C. § 2243 (habeas corpus petitions).

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the absence of timely objection thereto, the following order is entered:

AND NOW, this 26th day of June, 2007, it is
ORDERED that the complaint is dismissed. The Report and
Recommendation is adopted as the opinion of the Court. The Clerk
shall mark this matter closed.

BY THE COURT:


NORA BARRY FISCHER,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Nieves Calderon 05-1772
Cambria County Prison
425 Manor Drive
Ebensburg, PA 15931